

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEFON D. WILSON,	)	
	)	
Plaintiff,	)	Civil Action No. 20-620
v.	)	
	)	
JUDGE JOSEPH DEMARCHIS,	)	District Judge W. Scott Hardy
JACQUELYN A. KNUPP,	)	Magistrate Judge Patricia L. Dodge
JAMES J. PHILLIPS and	)	
AGENT RICH CASTAGNA,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This matter comes before the Court on the Report and Recommendation (“R&R”) entered by Magistrate Judge Patricia L. Dodge on July 6, 2021. (Docket No. 53). The R&R recommends that: (1) *pro se* Plaintiff Stefon D. Wilson’s claim for injunctive relief requesting his immediate release from prison be dismissed with prejudice; (2) the Motions to Dismiss filed by Defendants Jacquelyn A. Knupp (Docket No. 32), Judge Joseph DeMarchis (Docket No. 41), and Agent Rich Castagna (Docket No. 44) be granted; and (3) the partial Motion to Dismiss filed by Defendant James J. Phillips (Docket No. 38) be granted, and his Motion to Stay (Docket No. 38) be denied without prejudice. (*See* Docket No. 53 at 9, 12, 16, 17, 20). Service of the R&R was made on Plaintiff by mail, and he was informed that any objections to same were due by July 23, 2021. Thereafter, Plaintiff did not file any objections to the R&R.

The Federal Rules of Civil Procedure provide that a party may file specific written objections to the proposed findings and recommendations of a magistrate judge, and a district judge must conduct a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(2), (b)(3); 28 U.S.C. § 636(b)(1). Here, however, because Plaintiff did not

file any objections to the R&R, which explicitly stated that failure to file timely objections “will waive the right to appeal,” (Docket No. 53 at 21), this Court reviews the magistrate judge’s decision for plain error. *See Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006); *see also* Fed. R. Civ. P. 72(b), Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

In this case, upon careful review of the R&R and the entire record, including Plaintiff’s Amended Complaint, Defendants’ Motions to Dismiss and supporting briefs, and Plaintiff’s responses thereto, (Docket Nos. 12, 32, 33, 38, 39, 41, 42, 44, 45, 51, 52), and finding no plain error on the face of the record, the Court will accept Judge Dodge’s recommendations. As such, the Court will adopt the R&R as the Opinion of the Court, and will grant Defendants’ Motions to Dismiss as more specifically set forth below.

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 3<sup>rd</sup> day of August, 2021,

IT IS HEREBY ORDERED that the R&R (Docket No. 53) is ADOPTED as the Opinion of the Court.

For the reasons set forth in the R&R, IT IS FURTHER ORDERED as follows:

- (1) Plaintiff’s claim for injunctive relief requesting his immediate release from prison is DISMISSED WITH PREJUDICE;
- (2) the Motions to Dismiss Plaintiff’s Amended Complaint filed by Defendant Jacquelyn A. Knupp (Docket No. 32), Judge Joseph DeMarchis (Docket No. 41), and Agent Rich Castagna (Docket No. 44) are GRANTED, and Plaintiff’s claims against Defendants Knupp, DeMarchis and Castagna are DISMISSED WITH PREJUDICE;

(3) the partial Motion to Dismiss filed by Defendant James J. Phillips (Docket No. 38) is GRANTED, and Plaintiff's ethnic intimidation and official oppression claims are DISMISSED WITH PREJUDICE and his racial profiling claim is DISMISSED WITHOUT PREJUDICE. Defendant Phillips' Motion to Stay (Docket No. 38) is DENIED WITHOUT PREJUDICE to refiling it as more specifically set forth in the R&R; and

(4) To the extent Plaintiff elects to file a second amended complaint consistent with the R&R, he must do so by **September 3, 2021**. Otherwise, Plaintiff's racial profiling claim will be dismissed with prejudice.

*s/ W. Scott Hardy*  
W. Scott Hardy  
United States District Judge

cc/ecf: All counsel of record

Stefon D. Wilson (via U.S. Mail)  
376-2019  
Westmoreland County Prison  
3000 S. Grande Blvd.  
Greensburg, PA 15601